

**Prepared Testimony
Of
Professor Wm. Wagner**

Before the

**Michigan House of Representatives
Judiciary Committee**

November 7, 2007

Mr. Chairman and Distinguished Members of the Committee: Thank you for giving me the opportunity to provide testimony on the ethical dimensions of legalizing the use of live human embryos for research purposes as proposed in House Bill 4616. Preliminarily, I wish to thank the Chair for holding this hearing, and to express appreciation for his allowing consideration of various viewpoints on the significant matters now before this Committee.

INTRODUCTION

Traditionally, Michigan law has, at the embryonic stage, prohibited the killing of human life for experimentation and research purposes.² Contrary to these deeply rooted historical traditions, HB 4616 proposes to amend Michigan law to allow such killing, experimentation, and research.³ The way one chooses to view the ethical dimensions of legalizing the use of live human embryos, for research purposes, has serious societal implications. Because of these serious societal implications, I urge a no vote on House Bill 4616.

TWO JURISPRUDENTIAL WORLD VIEWS

Fundamentally, two jurisprudential views of the world exist.⁴ One can embrace either that law is something we discover or that it is something we create.⁵ Within those two broad vistas, of course, diverse shades and textures may be discerned. Still, the paradigms are useful. The first view sees God (or some surrogate) as the source of law and rights, while the latter makes man the measure of all things.⁶

*A. The Objective Worldview Lens: An Inviolable Standard
Present in Divine / Natural Law, Reflected in Current Statutory Law*

Under the first view, human laws reflect revealed divine or natural law, and they may be just or unjust, depending on the clarity with which they reflect those objective standards. The Declaration of Independence, of course, reflects such a view: “We hold these truths to be self-evident, . . . that all men are endowed by their Creator with certain inalienable rights”⁷ The Creator makes truth and other moral absolutes evident to us; we do not create them. Moreover, the Creator makes us creatures; we are not the creator, and, as such, we are subordinate to—though certainly a part of—that realm of absolutes. This is inherent in our traditional natural law view, which “asserts a person’s fundamental obligation (according to one’s ability) to recognize reality as it actually

exists on its own terms, and to acknowledge and respect the God-given (and, hence, inviolable) dignity of every human being.”⁸

The traditional wisdom of our forebears is generally reliable, which is why it has endured.⁹ If they correctly perceived and expressed the truth of an issue, we will only be able to agree with them, and any changes we make to their findings would not be progress, but a perversion of the truth. Clarifications, refinements to fit new developments, and other marginal improvements are frequently possible; but by its very nature, the truth of first principles endures, it does not evolve into “new truths.”

Jefferson famously opined that “The care of human life and happiness and not their destruction is the first and only legitimate object of good government.”¹⁰ “Good government” is not immoral or amoral. Good government is moral. Under the objective worldview, the good that government is designed to do is premised on absolute and objective truths, not subjective and relative feelings or situations. That is ultimately what we must mean when we affirm that we are a government of laws, not of men.¹¹ One of the fundamental roles of a moral government is, as Jefferson and most other respected thinkers have noted, to protect human life.¹² Although it must also protect liberty, the interest in life is plainly superior. Life without liberty at least holds the potential for renewed liberty and other goods, but liberty without life is a nullity. No one has the “liberty right” to unnaturally terminate another human life because it is wrong to do so. What is wrong cannot be a right.¹³ It is not surprising, therefore, that Michigan law prohibits killing live human embryos for research – reflecting such divine or natural law traditions.

Western cultures based their ethical and legal systems on the Judeo-Christian tradition,¹⁴ which teaches that taking human life is fundamentally wrong.¹⁵ In this regard, God reveals in his Word that the life He creates has worth, value, and significance; He declares his creation of human life good and intimately communicates that He has a plan and purpose for each life he creates.¹⁶ Because God creates human life, only He can authorize the taking of it – and nowhere in His Word does he authorize killing human life at any stage for research purposes. God’s inviolable standard is expressed in His command, “*Thou Shalt Not kill.*”

Thus, viewed through the lens of the first worldview, one discovers divinely revealed objective standards on the value of human life. In the revealed is the inviolable objective standard that killing human life for research purposes is always wrong. Underlying this inviolable standard is a presumption that human life has value and purpose at all stages. In formulating and determining propriety of laws on live human embryos, lawmakers may look to the objective standard as the benchmark, reflecting it in the law. Such a standard is consistent with God’s revealed inviolable standard reflected in the current Michigan law and other historical and legal traditions of our nation.¹⁸

B. The Subjective Worldview Lens:

Rejecting the Inviolable Standard for Moral Relativism

Contrary to the foundational worldview of our nation, the subjectivist worldview cuts us off from the realm of an absolute reality.¹⁹ It has no place for God—or, rather, it puts man in God’s place.²⁰ There is no objective truth; the human subject is the source of all rights and laws, all concepts of truth and justice.²¹ This view obviously cannot

compare human laws to absolute standards of truth or justice, because each individual decides for him or herself what is true, good, just, etc, based on the individual's power of reason. Thus, terms such as "truth" or "justice" merely represent subjective, relativistic viewpoints and not absolute standards. We do not "know" truth or good so much as make it up as we go. The absurd result of this theory, of course, is that one who holds it cannot actually claim it is true or good.²² It may be "true" or "good" in the relativist sense for the speaker, but need not be for the listener, which is no meaningful truth at all.

The proposed Michigan law, for example, expressly authorizes using live human embryos for experimentation and research purposes.²³ Why do proponents of such research propose a law so inconsistent with the deeply rooted first principles reflected in our legal history and tradition? How could such a notion emerge? The answer lies in the lens through which such proponents view the world. Supporters of research on live human embryos reject the moral absolute of the inviolable standard in favor of their subjective, morally-relative worldview. Viewed through the subjective lens of moral relativism, individuals can determine, as a matter of economic or scientific convenience, whether a particular human life has value in certain circumstances, and, without looking to any standard of right or wrong, create law accordingly.

Thus, when formulating law allowing the killing of human life for research purposes, "we the people" face a choice between two jurisprudential views of the world. On the one hand, we may look to the objective standard revealed in divine or natural law as the benchmark – and promulgate provisions reflecting that standard. Alternatively, we may, using subjective moral relativism, create law without looking to any objective standard of right or wrong – and promulgate provisions of economic and scientific convenience where the determination of whether human life has value varies with the particular person and circumstances.

THE GRAVE IMPLICATIONS OF DEVALUING HUMAN LIFE AND REJECTING THE OBJECTIVE STANDARD

The question becomes, therefore, which worldview should prevail? Should Michigan lawmakers view the issue through the lens of the objective traditional worldview – and continue to reflect the inviolable standard? Or, should they view the issue through the lens of subjective moral relativism – and create law allowing the killing of live human embryos for research purposes without regard to the standard. As the public debate heats up, it makes sense to review the implications for a nation that accompany such a shift in worldview. What are the implications of viewing the world through the lens of moral relativism?

Let me begin with what should be an obvious point. The killing of human life at the embryonic stage for research purposes proceeds from the fundamentally erroneous premise that human life in certain conditions no longer has inherent value or purpose. That premise has incalculably grave implications for all of us. When the value of life becomes an immorally relative individual choice, no benchmark exists against which to measure right from wrong or good from evil. If no standard exists, nothing prevents taking human life in other ways, for other people, in other situations. History suggests that such an approach has horrific consequences. Once "liberated" from objective moral standards by subjectivist relativism, the individual is completely subject to the will of any stronger individual or group; for no moral standard exists to prevent the imposition of

that stronger subject's "morality." Thus, instead of leading to the freedom it promises (from the alleged 'oppression of tradition'), the moral relativist view opens the door wide to tyranny.²⁵

Again, when the positive value of life depends on an individual's morally relative choice, nothing prevents individuals from choosing death in other ways, for other people, in other situations.²⁶ Prior to Oregon enacting an assisted-suicide law, euthanasia societies advocated the elimination, by various means, of 'less valuable' human beings.²⁷ Physicians, in the name of science, conducted the Tuskegee syphilis experiments on African-Americans. The Nazis legalized voluntary euthanasia, then involuntarily killed hundreds of thousands of the mentally ill – all prior to the unspeakable tragedy of the holocaust.²⁸ As late as the 1940s, this country's leading euthanasia proponent, Dr. Foster Kennedy, advocated compulsory euthanasia for retarded children on eugenics grounds.²⁹ In several thousand cases, Dutch physicians ended their patient's life without the patient's consent.³⁰ More recently, a Dutch health care facility conceded it euthanized newborn infants and a physician killing the disabled babies unapologetically asserts his conduct is proper.³¹ Thus, while the proposed amendment in House Bill 4616 may be the next step toward the precipice, it certainly was not the first step taken down the slippery slope. Indeed, what we sowed yesterday, we are reaping today. So society continues, as Judge Robert Bork observes, to slouch toward Gomorrah – and at an increasingly faster pace as it replaces God's inviolable moral standard with an immorally-relative economic or scientific convenience.³²

House Bill 4616 rejects the underlying inviolable standard that serves as the foundation of current Michigan law. The grave implications for a nation that accompany such a choice are historically clear and profoundly frightening.

The conscience of a nation is a fabric made up of much more than statutes and court decisions. Those who came before us built a constitutional democratic republic upon fundamental foundations of decency. That foundation is chipped away with each attempt to shift the predominant paradigm from the traditional objective worldview to the morally relative subjective one. More than just viewing the taking of human life through the lens of moral relativism, such a worldview shift subtly seeks to transform our pluralistic nation (where everyone may freely participate in public policy development) into a secular nation (where everyone except those with sacred viewpoints may do so). Americans, for the time being, are free to view research on live human embryos through either lens. We live in a country whose constitution expressly protects freedom of speech and the free exercise of religious conscience. If these fundamental freedoms mean anything, they at least must protect the right to manifest what one sees through these lenses – especially since the constitution also expressly assures the freedom to petition the government for redress.³³ In this regard, Americans with sacred viewpoints have as much right to participate in the public policy process as any other citizen.

House Bill 4616 abandons the moral absolute and follows a morally relative approach. The serious implications of such a worldview shift ought to sober, and then persuasively inform, the public debate. While state laws grounded in the objective traditional worldview hold the potential to help restore and preserve the intrinsic value of human life, public policy ultimately depends on the will of a morally motivated citizenry and their representatives. If, in the name of an economic or scientific progress, we fail to condemn state authorized killing of a human life, we merely create an illusion of a nation

willing to protect fundamental freedoms. Such a course inevitably erodes essential foundations of our country. Although structural institutions of free government may stand for a time, the essence for which they stand eventually ceases to exist.

Foundations do matter. The provisions in House Bill 4616 allow for the taking of human life. These provisions grieve millions who know God made us in His image, and that therefore life is sacred. It is well for us to recall, therefore, the ancient Biblical truth that "righteousness exalts a nation,"³⁴ for the opposite is equally true. In the end, viewing the issue through the lens of moral relativism destroys the sanctity of life because it denies the only one who can truly sanctify. Only the Creator can rightfully destroy either life or liberty. As the Declaration attests, He gave us both, and only He can rightfully separate us from them, or permit us to do so. In the case of human life at the embryo stage, He nowhere provides an exception to the inviolable objective standard expressed in His command, "*Thou Shalt Not kill.*"

For the reasons expressed, I urge you to vote no on House Bill 4616.